

**North Carolina Wireless 911 Board  
MINUTES  
July 22, 2005**

<b><u>Members Present</u></b>	<b><u>Staff Present</u></b>	<b><u>Guest</u></b>
Carolyn Carter (NCLM)	Ron Adams ITS	Kathie Austin, Fiscal Research, LOB
Belinda Gurkins (Sprint 911)	Richard Bradford DOJ	David Dodd, Cleveland Co 911
Leigh Horner (Nextel)	Richard Taylor ITS	Tara Edwards, Cherry, Bekaert, & Holland, CPAs
David Keever (Alltel Wireless)	Leslie Tripp ITS	Erin Ford, Pictometry
Rick Montgomery (Sprint PCS)		Topper Hightower, BellSouth
Phillip Penny (NCNENA)		
Steve Stoneman (ITS)		
Frank Thomason (NCAPCO)		
Don Van Liew (Cingular)		
Allen Whitaker (Davie County Sheriff)		
<b><u>Members Absent</u></b>		
George Bakolia (NC CIO)		
Robert Cherry (Tarboro Police Chief)		
Joe Durham (NCACC)		
Pamela Tope (Verizon Wireless)	<b><u>Staff Absent</u></b>	

**Chair's Welcoming Remarks:**

Chairman Steve Stoneman called the meeting to order at 10:00 AM and welcomed everyone.

### **Ethics Awareness/Conflict of Interest Statement:**

Chairman Stoneman read the Conflict Of Interest Statement and asked if anyone had any conflicts. None were cited.

### **Approval of minutes**

Chairman Stoneman asked for comments or corrections to the previous meeting minutes, and hearing none, asked for a motion to accept them as written. Don Van Liew so moved, Carolyn Carter seconded, and the motion carried.

### **Executive Director's Field Report**

Richard Taylor briefly described meetings with Orange Co 911, Rockingham Co 911, and Washington Co 911 regarding appropriate use of funds and/or WPH2 deployment issues. He noted that he was impressed with Washington County's progress toward WPH2 deployment.

He also mentioned meeting with the League of Municipalities to discuss 911 legislation at their request. They sought his help in understanding the potential impact of the different pieces of 911 legislation presently working their way through the legislature.

He noted that while at the National NENA Conference and Trade Show in Long Beach, CA, in June, he participated in the NEARS (National Emergency Alerting & Response System) presentation, among other activities.

He spoke briefly about the NCAPCO/NENA chapter meeting in Waynesville that focused primarily on legislative issues. He added that he would speak to those issues in detail later in this meeting.

Richard closed his report by noting the innumerable hours he has continued to spend on pending legislation during the past two months, and mentioned that he had also been meeting with various State GIS organizations working toward a cost effective method of providing GIS to PSAPs. While meeting with these groups, he was asked to sit on the NCGICC (North Carolina Geographic Information Coordinating Council) board. That group is working closely with the folks at NC OneMap that presented to this board last year.

### **Trainer's Field Report**

Ron Adams noted that the agenda listed classes he has given since the last meeting. He added that he had taken the ENP (Emergency Number Professional) exam in Long Beach and passed. Chairman Stoneman asked for clarification of ENP, and Richard Taylor explained that it was a certification offered by NENA, much like a CPA certification in that profession, and that it is in fact administered by the same testing organization that administers the CPA certification examination.

Ron also noted that while he was at the Long Beach conference, he attended many information sessions regarding Next Generation 911, and felt that he gained a much better understanding of what's in store for the future of 911. Chairman Stoneman asked if Richard and Ron could put together a summary of NG911 to present at the next meeting for the Board's benefit, and Richard and Ron readily agreed to do that.

Ron then turned to the map depicting current Wireless 911 for Telecommunicators class penetration statewide, noting that he was focusing on contacting counties that have not yet received any of that training. He mentioned that he had scheduled early August classes in Buncombe county because of its central location among many such counties. Chairman Stoneman asked why so many counties were still untrained, and Ron replied that most of them were not Phase 2 deployed, and that, despite having been offered training, they were not sending people to the classes until they felt the training would be immediately relevant.

Ron next explained the class evaluation report graph he had constructed in response to Chairman Stoneman's request at the last meeting. He mentioned that when all the class evaluation scores (ranging from a low score of 1 to a high score of 5) were averaged, all the averages fell between the scores of 4 and 5, which was why the graphs plotted only that last unit of measurement. He noted that he and Richard had spotted a trend in the scores that seemed to indicate people at supervisory levels found the course less informative than telecommunicators. He also asked the Board members to offer any suggestions they might find useful. Phillip Penny asked what conclusion Ron was drawing from the apparent difference between supervisor and telecommunicator evaluations, and Ron replied that it appeared to him that supervisors may perceive the class as too elementary, and that they were not coming away from the class feeling they had learned something new. Richard offered that perhaps we could benefit from developing two distinctly different curriculums addressing each of those demographics.

Phillip Penny added that he also thought class location might contribute to the different perceptions; that a supervisor from a small PSAP might react differently than one from a large PSAP. He suggested breaking out the evaluation results geographically as well as by the current descriptors. Ron replied that he had stored all the data in an Excel spread sheet, and that he could look at the data from that perspective.

### **Annual Auditor Report**

Tara Edwards, auditor for Cherry, Beckaert, and Holland, CPAs, presented her comments on the auditor's report for June 30, 2004. She explained that the audit process included becoming familiar with the account, as this was their first year handling the account. She summarized that they had found no problems with the account, and praised Leslie Tripp for her account management. Their finding was that our financial statements present fairly the position of the fund as of June 30, 2004. They had no recommendations for changes. Chairman Stoneman thanked Tara for her report, and he also thanked Leslie for doing such a great job.

## **Approval of Ahoskie Police Department as a Primary PSAP**

Richard Taylor explained that Ahoskie has been a Primary PSAP on the wireline side for quite some time, but they just have not had the equipment in place to be Phase 1 or Phase 2 compliant. He added that he had not been able to personally visit the PSAP, but that Belinda Gurkins vouched that everything was either in place or on order to enable them to begin processing wireless 911 calls. He recommended that the Board approve the request contingent upon a personal inspection visit by him to verify that Ahoskie meets the requirements for a Primary PSAP (if approved, the 128<sup>th</sup> PSAP receiving wireless 911 funds). David Kever moved that the Board approve the request with that contingency, and Frank Thomason seconded. During discussion Phillip Penny asked if this was a “county that we’ve sort of helped along” or if it has just “evolved over time.” Richard replied that Hertford county is one “we’ve kinda worked with,” although he had not worked with Ahoskie at all. With no further discussion, Chairman Stoneman called the motion, which carried without objection.

## **Discussion of Pictometry as an Eligible 911 Expense**

Richard Bradford speculated that the answer to the question of whether or not Pictometry could qualify for use of wireless 911 funds was a ‘qualified maybe’. Noting that, “consistent with the advisory letter that Karen Long gave the board several years ago,” expenses that may be shared between wireline and wireless may be eligible. It depends on amount of use. Richard feels that, looking at Pictometry’s services, it is possible that it could qualify in some way, but he is not exactly sure how. It would depend upon the implementations; how PSAPs actually use it and whether they can identify the expenses associated with Pictometry that are within the permissible uses of the PSAP fund, recognizing that that’s limited to the call taking process. If PSAPs can do that, Richard stated that he doesn’t really see any impediments to funding it from the wireless fund.

Richard Taylor asked for clarification by restating what he understood Richard Bradford to mean. He said, “If they can show that the Pictometry product is part of that call-taking process, not the dispatch, but the call-taking process, then they can certainly be (compensated), either totally from wireless, or more probably as a shared resource.” Richard Bradford replied that he doubted it would ever be total. He added he didn’t think that would be possible, but that it would depend upon the facts. Richard Taylor then asked, “If a PSAP wants to use their wireless money for Pictometry, the suggestion would be then to have them justify, or request justification, that they can say that ‘This is what’s required for the call-taking process.’” Richard Bradford agreed that he thought so.

He addressed the Board further by saying, “Richard Taylor and I have talked about my expectation, I don’t know if it’s anybody else’s, but my expectation, in looking at the language in the statute in terms of what the limits are on what the funds can be used for, I fully expect that there are expenses that are eligible that have never been submitted by many PSAPs because they’re hidden in other budgets. So part of the Pictometry costs might be included in another budget, but might be eligible. So I think it’s up to the PSAPs to present their positions, and it’s fact dependent. We have to see

what they say.” Chairman Stoneman summarized by saying it would be like a case-by-case basis, and Richard Bradford concurred.

Guest Erin Ford, the North Carolina District Manager from Pictometry, asked if there could be an expectation on the county’s (PSAP’s) part, depending upon the justification, as to a certain percentage that would be eligible. Richard Bradford replied by saying he didn’t think the Board could make such a representation. Erin then concluded that it would be strictly based upon the justification, and Richard Bradford concurred.

Chairman Stoneman then asked that if, after discussions between the ‘two Richards’, it was not clear, it would be brought up to the board. Both Richards agreed. Richard Bradford also noted that agenda item 12 might address that topic later in the meeting. Carolyn Carter then asked if a letter would be going out to each of the PSAPs letting them know that this is at least on the table as an issue, something they could expect the Board to give consideration to. Richard Taylor felt that he couldn’t send letters specifying the product Pictometry because that would almost be some kind of endorsement. Carolyn asked if there was a generic description of that type of product, and although several comments circulated around the table that there must be one, no one could pinpoint it. Richard Taylor said maybe we could just say ‘GIS or GIS related products.’ Richard Bradford said he thought this relates to agenda item 12, too.

Chairman Stoneman noted we could just send a ‘general awareness’ letter to let the PSAPs know that if there is any question as far as whether certain services or systems are eligible (for use of wireless 911 fund money), that they should follow up with Richard Taylor and that each question would be reviewed on a case-by-case basis.

Phillip Penny asked to add a comment, which he offered to defer until agenda item 12 if the Board felt it more appropriate, to the effect that “Pictometry is really just sort of shedding light on some issues that we have on other things,” that “it is really difficult for PSAPs to do spending when we’re (the Board) not real clear about what is allowable and what’s not.” He said he “just wanted to offer up that, and again we might be talking about this in (agenda item) 12, but we’ve got to do something about deciding what is allowable and what is not in deciding where these gray areas are.”

Chairman Stoneman added that he wasn’t sure it could ever be ‘black and white’, but that “what we could perhaps add to this letter is a statement of that fact, that there are many gray areas, and just, again, having them consult with Richard (Taylor) up front to get some better guidance to determine if there is a black and white decision” for whatever particular system they are looking at. He added he didn’t think we would ever be able to categorically say, “this is” or “this isn’t” an eligible expense.

Phillip noted that he felt this was “sort of the root of the big fund balances some PSAPs have”. Chairman Stoneman added, “that’s what we have staff for, to help with these folks, to do that.” He then asked that further discussion be held until agenda item 12.

### **Status of Pending Legislation**

Richard Taylor reported that S1008, introduced to expand the use of wireline 911 funds to incorporate training, as well as environmental and health issues, was pulled in

committee and is not expected to be brought back up during this session. He added that H1638, the 'telco encouraged' bill that deals with moving the wireline surcharge from telephone bill collection to special tax collection to be enacted by local governments had gone into a subcommittee last week, and, "to quote one of the co-chairs," came back from the subcommittee the same way it was sent, with no changes or recommendations. There is a lot of discussion on that particular bill. At the committee meeting this past Wednesday, the County Commissioners Association representative and NCNENA representative Donna Wright spoke in opposition to it. The co-sponsors of the bill realize that there are a lot of issues with it, and it has been recommended to be sent to a study commission, which means that between now and the short session, probably January or February, it will be studied, reviewed, and recommendations from that commission will be brought back to committee.

Regarding H1261, the bill proposed by this Board, Richard said it "was being held hostage over in the Senate," as no House bills are being heard in the Senate right now, until they get a budget approved. It has been modified somewhat having to do with collecting from prepaid providers, mostly TracFone. Simply put, TracFone really does not want to collect surcharge, period. They'd rather Wal-Mart, Target, and everybody else collect it for them. The bill has been modified for all the prepaid carriers, e.g. Verizon, Cingular, and even On-Star, and they have all reviewed it and are in support of the language. The modification that has been added is the 'Tennessee model', which divides total monthly prepaid revenue by \$50.00 and multiplies that total by the surcharge amount, as a means of determining the monthly surcharge contribution. Richard added that there are also a couple of verbiage changes because, as originally written, the language implied but did not state that someone had to receive a monthly bill (as a prerequisite to collecting a surcharge from that individual). That implication has now been removed. Richard noted that everyone downtown seems happy with it, that he's received no negative feedback other than from NENA, which is not supporting it because it contains no training provision. Richard feels that once the budget is approved, it will move on pretty quickly. It still has to go through two committees before it gets to the floor. He added that this bill is constantly being referred to in deliberations about H1638, comparing the uniform wireless surcharge methodology to the currently widely disparate wireline model. He feels that the study commission will be asking a lot of questions of us (staff and board) about how that process and procedure works.

Phillip Penny interjected that "on behalf of NENA, we'd love to get training back into 1261." Richard Taylor replied that since the bill has already been introduced, someone would have to get language changed in committee; it was out of the Board's control. He added that he personally felt that such a major change was unlikely, the way it was proposed, and emphasizing that was just his opinion.

Richard continued by mentioning Section 8 of the bill, which lists those members of the Board who will be terminated with passage of H1261 to establish staggered terms. The people selected were those who could be reappointed, with the exception of Don Van Liew. Richard said that if anybody wants to be reappointed he needs to know that, or if someone doesn't want to be reappointed, he needs to know if that member's representative group has a preferred candidate to offer as its replacement. Chairman Stoneman asked when, assuming the bill passes, these changes would go into effect. Richard said that the Appointments Bill was usually the very last bill done by the

legislature, so these people would stay in office until the reappointments were made. He added, however, that they wanted to get those names now for the Appointments Bill.

He also noted that with the pending merger of Nextel and Sprint, Rick Montgomery might not be eligible for another term, since that would effectively give one company two representatives on the Board. Chairman Stoneman asked how new member nominations would be made. Would the Board make suggestions from a pool of key vendors? Richard replied that, of course, the decision was ultimately up to the Speaker and the President Pro Tem, but that we (the Board) could make recommendations, the carriers could make recommendations, *anybody* could make recommendations. What the Speaker has told the Board in the past, however, is essentially “tell us who you want to put in there, and if it's okay with our folks, we'll go ahead and go that way with it.” But if for some reason, say, for example, the Sheriff's Association nominee didn't meet the Speaker's approval, he could certainly remove that nominee from consideration. Richard further noted that the Appointments Bill is a huge, huge undertaking, encompassing many, many boards, and that the legislators look to the individual boards for guidance.

Carolyn Carter asked if there weren't restrictions about representing the League of Municipalities and the North Carolina Association of County Commissioners. Richard said those were the only two appointments with such restrictions. The Governor appoints those two representatives from those two associations, but the other appointments are less restricted. For example, carrier representatives must only represent 'a carrier', not any specific carrier(s). And someone can represent APCO, but it doesn't have to be APCO's choice; it could be anybody that the Speaker says wants to represent APCO.

In sum, Richard reiterated that he needed recommendations for either reappointment of terminated members or replacements for them within a week or so. Belinda Gurkins asked what other carrier was being considered if the Sprint/Nextel merger required changing the current assignments. Richard said that would be up to the Board, but he was thinking about either SunCom or Carolina West. He likes Carolina West because it is a rural carrier, and would recommend them based upon the fact that a rural carrier would possibly bring a new perspective to the Board.

Leigh Horner (Nextel) mentioned that we might be worrying about something that won't be necessary for a while. She noted that no one knows when the proposed merger will actually take place, so we really won't know what to do until that time. Richard Taylor readily agreed, and mentioned that his intent in bringing it up was simply as an FYI.

### **Discussion on Future Funding of Burke County**

Richard Taylor reported that several registered letters have been sent to Burke County regarding both past misuse of funds and failure to provide the annual audit for 2004. All of them have been ignored. Richard telephoned yesterday to let their County Manager know we would be discussing their funding situation at today's meeting, left a message requesting a return call, but got no response. He has gone to Burke County and met

with various representatives, and their county manager has come down and met with Richard and Leslie. After meeting with them, Richard felt they had come to an understanding, but has not seen it yield any results. We have been withholding their checks since December, but no resolution is imminent. Leslie has prepared a summary of their audits (under Tab 9 in the agenda packet), which shows we have withheld \$209,353.63 so far. They also have accrued \$142,740.24 in non-allowable expenditures since July 2000, which needs to be reimbursed to the wireless 911 fund. Richard summarized this introduction by saying, "We're getting nowhere quickly." He feels the next step should be to turn the matter over to the State Treasurer's Office and get their help in at least getting the communication process going again.

Richard explained the audit summary, and Frank Thomason asked what their reasoning was when asked why they hadn't filed the 2004 report. Richard and Leslie both said they have no idea because they are getting literally no response. Belinda Gurkins asked what the county manager had to say when he met with them. Leslie said that when they told him what expenditures were not allowable, he just said "okay," then left, and they haven't heard from him since. Carolyn Carter asked who that county manager was, and Richard told her it was Paul Ijames (pronounced "Imes"). David Keever asked if the unallowable expenditures were for the same things each year since it looks like the numbers track percentage-wise. Richard replied that some of them were, and reminded the Board that this was the situation (mentioned at prior meetings) where a consultant had told them his bills were allowable expenses (they were not), and they had spent the money accordingly.

Leslie pointed out that \$209,353.63 had been withheld, and that deducting the \$142,740.24 in non-allowable expenditures would, on the surface, imply that they were \$66,613.39 to the good. She then reminded the Board, however, that in all probability, based upon the spending patterns present in the years that had been reported, the missing 2004 report probably contains still more, as yet un-quantified, non-allowable expenditures. Leslie said she was turning to the Board for guidance in how to proceed, since, unlike other PSAPs that have been in similar situations, Burke County simply will not respond to any of her requests.

Carolyn Carter said that in the absence of Joe Durham from the Association of County Commissioners, she felt that as the 'local government representative' (from the League of Municipalities) she would favor taking a hard-line approach. Leigh Horner said she thought they should refund all of the money they received in '04 and '05 simply because they were not following procedure in filing their annual audit report, regardless of what it had been spent on. Phillip Penny observed it would be interesting to know what they were spending the money on. He asked Richard if they had spent any of it on radios, and Richard replied that they had spent some on repeater stations. Leslie added that they had spent some at the Sheriff's Office, which is not a primary PSAP. Richard remembered them putting in a recording system and some consoles.

Richard Bradford asked if anyone (Richard Taylor or Leslie Tripp) had seen the 2004 budget, and Richard Taylor replied, "no." Chairman Stoneman asked Richard Taylor if these requests had been made formally, and Richard assured him that we had sent, and they had refused, certified letters. Sheriff Whitaker asked, as clarification, if the communication had been with the County Manager's Office, and Richard said, "yes."



Richard reiterated that his telephone call yesterday was to let Paul Ijames know that this would be a topic of discussion today, and to invite him to attend and speak to the Board if he wanted to.

When Sheriff Whitaker asked if this was a county with more than one PSAP, Richard replied, "yes, and that's part of the rub, there, because the other two PSAPs have been dependent upon the county to fund them." Sheriff Whitaker asked if either PSAP was under the Sheriff's control, and Richard replied, "no." Valdese Fire Department operates the City of Valdese PSAP and Morganton Police Department operates the City of Morganton PSAP.

Carolyn Carter mentioned that there are always two sides to the story, and asked what the County Manager has said when he has spoken to Richard and/or Leslie, what has been his excuse? Richard said that he admitted they had been going solely on what the consultant said. They based everything on what the consultant told them.

Sheriff Whitaker asked if we have had communications with the Chairman of the County Commissioners in that county. Richard said, "no," that communications had only been with the County Manager. The Sheriff then hypothesized, "the County Manager's feet would be held to the fire if we contact the commissioners or the chairman of the county commissioners." That observation was met with many comments in agreement around the table. Rick Montgomery asked if the statute stipulated any penalties for this type of issue. Richard Taylor said, "no," but that in dealing with a couple of issues that hadn't escalated this far in the past (no one to date has been this unresponsive), he got good results by taking it to the State Treasurer's Office.

Carolyn Carter asked what this Board has authority to do. Richard Bradford said that it has the authority to withhold the money and demand return of any money they have not properly accounted for (per the statute). Phillip Penny made a motion that the Board send a letter to the Chairman of the Board of County Commissioners of Burke County outlining how the County Manager has been unresponsive and how much money is involved and ask what that Board's position is. Frank Thomason asked if a letter to the State Treasurer's Office might not be in order, too. Phillip agreed, and Frank seconded the motion.

During discussion Chairman Stoneman asked if we wanted to address the withholding of funds, noting the fact that we are continuing to do so. Board members were unanimous in agreeing with him. Carolyn Carter asked how much money we were going to demand be refunded. After discussion, all agreed that they should refund all money they have not properly accounted for, as well as the money improperly spent in the years where they did provide an annual audit report.

Richard Taylor noted that the only twist here was that Valdese and Morganton get their funding from the county, so they will suffer (and are suffering) from this. He felt we should send letters to the respective managers of those two cities, also, so they're aware of what's going on. Chairman Stoneman asked if we shouldn't note that in the letter as well so that everyone understands the full impact of what's going on. That comment was met with agreement around the table. David Keever asked if we should

send a copy to the County Attorney as well. Richard Bradford commented that could possibly be construed as barratry.

Belinda Gurkins asked for clarification of how those cities received their wireless 911 funds, since they are Primary PSAPs, and asked if they didn't have an option of converting so they receive their own funds directly. Richard Taylor said they had a memorandum of agreement with Burke County. Frank Thomason observed that it was a shame that this problem was happening because that type of a funding model is a good one, even a desirable one, on the fund distribution side in a multi-PSAP scenario, but that by virtue of its behavior Burke County was really "giving it (that model) a black eye."

Chairman Stoneman summed up the discussion, offering that Richard Taylor draft something and circulate it to the Board for examination. Richard Bradford suggested it not be copied to the County Attorney. All accepted that recommendation, deferring to Richard's expertise in 'legal protocol'. Chairman Stoneman called the motion, and it carried unanimously.

### **Update on FCC Activities**

Richard Taylor reported that little was going on regarding wireless 911, and that the focus at this time is on VoIP. He attended a 'summit' with VoIP carriers and FCC representatives in Washington DC on July 7. He mentioned that during discussions someone characterized the 911 community vs. the VoIP community as being the difference between 'propeller-heads' and 'pony-tails.' The implication was that in its infancy 911 was done by 'propeller-heads', or technical folks hammering out the process, but that VoIP providers, or 'pony-tails', are less interested in the technical process and more interested in, "the data and the bits and the bytes." Richard noted that those 'catch-words' were frequently repeated terms used during that meeting.

Richard added that "everybody wants to comply" with the FCC ruling that they have to provide 911 data to 911 centers by November 29. He also added that, just like with wireless, they don't know how they're going to do that. He noted that another catch-phrase to come out of the meeting was that, "VoIP looks like wireless but acts like wireline," which "makes it all the more difficult because you have the roaming capability and you have all the peculiarities that go with VoIP."

Richard said that he had spoken with a representative of one of the major carriers who was very interested in coming to the Wireless Board, but his observation was that they can't connect to all 17 selective routers in NC and do it cost-effectively. They are looking at finding some other way to make it work, possibly how wireless carriers do it.

Richard mentioned in closing that the December 2005 wireless Phase 2 deployment deadline is just around the corner.

### **Discussion/Adoption of Revised North Carolina Wireless 911 Board Policies**

Richard Taylor opened discussion by noting that the recommended procedures before the Board today are the same ones seen at the last meeting. No Board members submitted any requests for changes since that meeting. He recommended the Board

accept the procedures as presented. Phillip Penny asked if a decision could be postponed because he had not received a position statement from the NCNENA board. Richard Taylor reminded Phillip that the same discussion had taken place at the last meeting, as the original presentation for review had been at the meeting prior to that one. In other words, this would be the second meeting to go by without a resolution. Chairman Stoneman noted that he felt we needed to act on it this meeting, not defer it another time.

Leigh Horner re-iterated her concern from the last meeting about the language reflecting the proposed distribution of surcharge collections to specific accounts, or 53% to the CMRS providers account, 23.5% to the PSAPs equally shared account, and 23.5% to the PSAPs per capita account, which would only be true if pending legislation passes. Richard Bradford noted that the split was simply a reference to which accounts Leslie Tripp deposits the money in, and that the percentage value didn't really need to be specified. Richard Taylor said he had no problem changing it to the current distribution of 60%-20%-20% and simply making the change only when the legislation passes. Leigh Horner made a motion to accept the procedures with that one change, Sheriff Whitaker seconded, and the motion carried.

### **Discussion of Committee to Review Eligible Wireless 911 Expenses**

Richard opened discussion by noting that as new technologies emerge it becomes more difficult to determine what expenditures are permissible from the Wireless 911 fund. He offered as an example the discussions the Board has recently had regarding Pictometry. He noted how he and Richard Bradford had shared many "lively discussions" about eligible expenses, and how they had speculated that "maybe we need to make recommendations for changes in the statute", for it to be broadened, or to capture some of these new types of technology. He said that he felt it would be better for members of this Board to be involved, not just Richard Bradford and himself, to look at these issues, understand what the issues are, understand why something should now be a valid expense when it didn't even exist two or three years ago.

He added that 62A was crafted back in 1988-89, and that the Wireless portion that was added in 1998 pretty much mirrored that earlier legislation. "We look at it, and we talk about the gray areas, we talk about the technology and 'you need this, you need that' but it really doesn't fit what's here. How can we approve this?" We realize that it's something we do need but we don't understand how it fits the language. Too many times Richard has had to interpret uses that don't really fit what the language says or its intent. He added that he has heard all too often from many different parties how something "was not the intent" of 62A.

Based upon these observations, Richard asked the Board to consider creating a committee of Board members to offer guidance. Chairman Stoneman asked if this would be driven exclusively by new technologies or if it would include interpretations of current PSAP expenditures. Richard replied it could be both ways. Richard Bradford reiterated that he strongly suspects that PSAPs may not be seeking reimbursement for current eligible expenses because those expenses are hidden somewhere else, in some other budget. He feels that, "some of it is education, but it's education both ways. You may learn things from looking more closely at what the expenses are to do all of the 911

operations, and I think some of you probably have some very good ideas of what those are. But the Board, I think, might benefit, and the PSAPs might benefit, from looking at it and then giving some direction back to the PSAPs, which was Phillip's point (earlier)."

Richard Taylor mentioned a suggestion Leslie had made to develop a spreadsheet to categorize expenditures reported by the PSAPs in relation to the statute, and how much he liked the idea. The intent would be to identify areas where PSAPs are not presently using their wireless money for acceptable purposes (such as paying for telephone trunk charges) as well as areas where they are spending money that does not fit the statute.

Phillip Penny asked what we do when we see audits where people are not using their money in places where they could, such as paying for their access lines. Is there any follow-up in place where we tell them that they are overlooking those eligible expenses? Richard replied, "no." Phillip added that he felt a committee is a good idea, so that interpretations could be made in the gray areas. He felt that it should be something where the PSAP should come to the committee before the fact, rather than after having spent the money.

Leigh Horner and Frank Thomason interjected that they wouldn't want the committee to be a screening committee, approving or disapproving expenditures, but one to put together a list of recommendations, as guidance to not only Leslie & Richard & Richard, but to the Board as a whole, so we all stay on the same track. Frank added that this year he has heard more issues brought forth from the PSAPs, whether categorized as complaints, concerns, or questions, about eligible expenses, than in years past.

Chairman Stoneman then summarized that the committee could bring its recommendations about new technologies to the entire Board for decisions, and Leigh Horner added that she thought it should not be limited to the new technologies, but to interpretations of historical and current uses as well. Frank Thomason added that clear definitions of acceptable uses would potentially eliminate the contentions by some PSAPs that they had not been allowed to use their wireless money for something that another PSAP supposedly had been allowed to use it for. Richard Taylor noted that usually those contentions did not have substance once all the details were compared. He added that you'd be surprised at the stories you hear at a Sheriff's Conference or NENA Conference that have more in common with rumor and exaggeration than fact. Frank Thomason agreed, but pointed out that, unfortunately, perception is reality, to which Richard readily assented.

Chairman Stoneman again offered a summary, adding to the earlier 'new technology' determinations that the committee would create a clear list of all the existing expenses that we know are eligible, making it black and white, and articulating that to every single PSAP, pointing out to them when they are not claiming something that they can legitimately claim.

Phillip Penny asked Richard Taylor to host a class at the next state APCO/NENA conference on acceptable use, and Richard agreed to.

Richard then speculated that the committee composition be a couple of people from APCO, a couple of people from NENA, and a couple of Board members. He said he

feels it's important that it not be just PSAP people, but industry representatives as well. Chairman Stoneman asked if we should look for volunteers off of this Board, or elsewhere, or both? Richard Taylor said he thought both. Carolyn Carter mentioned that she thought when this was brought up that this would be a subcommittee of the Board, to which Richard replied that it is, but that a subcommittee of the Board doesn't have to necessarily be just from the Board. He noted that if you want some subject matter experts to assist the Board, that would be a good reason to bring in some PSAP people. Chairman Stoneman closed discussion by suggesting that anyone who wants to volunteer do so by sending an email to Richard Taylor, and we can take a look at that list, get some equal representation, and see if we can expand it further if we need to.

### **Status of Phase I and Phase II Wireless 911 in North Carolina**

Richard reported that the pace of Phase 2 deployments has dropped to a "onesies and twosies" level, along with new Phase 2 requests. Ron pointed out that the highlighted PSAPs on the chart were primary PSAPs, but were not county primary PSAPs. They are highlighted to easily recognize the counties with multiple primary PSAPs. Richard referred the Board to the documentation and asked for questions. Hearing none, Chairman Stoneman moved to the next agenda item.

### **Administrative Reports**

Leslie Tripp simply stated that the monthly payments continue to come in and go out, and referred the Board to the spreadsheets and asked for questions. Richard Taylor noted how important the equal monthly allocation amount is to the more rural counties, as their per capita distributions are quite small. Leslie also pointed out that Martin County's payments were being withheld at their County Manager's request to compensate for some ineligible payments from their fund last year. They were quite willing to work with the Board, acknowledging that they had used their funds incorrectly. Chairman Stoneman asked if there were any questions, and there being none, moved on to the next agenda item.

### **Adjourn**

Prior to adjourning, Carolyn Carter requested that a clarification of an earlier statement be recorded in the minutes. She wanted to be sure that when she referred to being the 'local government representative' in Joe Durham's absence, she only meant that as a representative of municipal government she was the only 'local government' type representative present today. She wanted to be sure that everyone understood that she was not in any way trying to speak for Joe Durham.

Chairman Stoneman asked for a motion for adjournment. Frank Thomason so moved, Belinda Gurkins seconded, and the motion carried.